

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION
DECISIONMAKING MEETING

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C Haas, Police Commissioner
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Thursday, March, 5, 2009
10:00 a.m.

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P R O C E E D I N G S

MS. LINT: License Commission
Decisionmaking Hearing, March 5, 2009, at the
Michael J. Lombardi Municipal Building, 831
Massachusetts Avenue, Basement Conference Room.
Before you the Commissioners: Chairman Richard
Scali, Commissioner Robert Haas, and Deputy Chief
Dan Turner.

These are decisions from the February
10 Hearing.

MR. SCALI: First of all, before I
forget, making a motion to accept the minutes from
our February 24 meeting.

MR. HAAS: Moved.

MR. SCALI: Seconded?

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye. Thank you very much.
Our meeting from February 24, we have

decided everything on that, so nothing from February 24; that's already complete. We'll go to February 10 for decisions --

MS. LINT: Do you want to take them out of order since there are some people here?

MR. SCALI: We have Upper Crust here. Who else? Mr. Rafferty, you're here for?

MR. RAFFERTY: Hoffa's.

MR. HAAS: Allied Waste.

MR. ATKINS: Allied Waste.

MR. SCALI: Let's go to -- the Commissioner wants to go to Allied Waste, Item No. 2. Let's see what we have.

It was a violation with regards to six different pickups before 7:00 a.m. Ms. Boyer testified with regard to six violations in 2008 and 2009. Previous violations included those from when they were BFI. I checked the file and I can give you what all the previous violations were.

MR. SCALI: If you could, that would be helpful.

MS. LINT: There was a warning in

January of '96; a \$200 fine in January of '97 for picking up at 6:30 a.m.; a \$200 fine in December of '96 for picking up at 6:00 a.m.; a \$300 fine in April of '97 for a pickup at 5:30 a.m.; \$600 fine, May and June of '99, picking up before 7:00; and a \$900 fine in January of '02 for early pickup. And then between November of '03 and January of '04, a \$2,400 fine for eight noise incidents.

MR. HAAS: Is this all as BFI?

MS. LINT: It's combined. It's the same people.

MR. SCALI: Anything you want to say?

MR. ATKINS: No.

MR. SCALI: We go through this from time to time when your drivers change or the routes change.

MR. ATKINS: We run about 70 different routes in the city throughout time, and apparently obviously some guys have been here a little bit too early, and obviously in the wrong areas.

MR. SCALI: I just don't know how to resolve the issue other than to fine you. I guess

there's a better system. I know Ms. Boyer from time to time has talked to you and your staff, and I know you know the rules, it's just over the years we come back to the same situation every time. So I don't know what we can do to get this into your drivers' heads any more than just being out there and ticketing them and it goes on their driving record, I guess is the only other way.

MR. ATKINS: In regards to in-house, we can post more notices, obviously attach notes to the routes that do come into Cambridge. They deviate from day to day; not one truck comes in here specifically every day. Throughout the day it changes but I can make sure we make our drivers aware of it again.

We do go through drivers, they retire, they get terminated, or whatever the case may be, so we do change out routes here and there, and that could be part of the problem.

MR. HAAS: The \$2,400 fines were issued when?

MS. LINT: In '04, but it was for

dates between November '03 and January of '04.

MR. SCALI: Discussion?

MR. TURNER: Pleasure of the Chair?

MR. HAAS: It seems to me listening to the history that it's been a progressive set of penalties that have been associated. It doesn't make any sense to kind of retreat on that, and it hasn't abated the problem at all to your point, Mr. Chairman, so I'm kind of perplexed as to -- you know, I don't see it appropriate to sit there and say well, we're going to give you a warning at this point in time, because it hasn't abated. It's continued and it is a nuisance to the neighbors.

MR. SCALI: It seems like every three or four years something changes and we're back here again fining you, and you guys just pay it and we go on as we were before. I know you don't seem overly concerned.

MR. ATKINS: Unfortunately -- I'd like to say that it doesn't happen a lot of places, but it does. You go in, there's certain time restrictions in certain locations. Everybody knows

Cambridge is a hot seat to come in early. It's not for lack of telling these guys. Whether they do it on their own accord or not -- I don't know. It's not for lack of telling them and making them aware. They all know City ordinances in Cambridge, for the most part.

MR. SCALI: Motion to fine them \$300 per violation, there's six violations, a total of \$1,800.

MR. HAAS: Motion.

MR. TURNER: Second.

MR. SCALI: Moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

Obviously, you have a right to appeal that to Superior Court if you wish to. Thank you.

MR. SCALI: Hoffa's which is on Page 2, request for extension of further inactive status. So in six months Mr. Rafferty they're going to begin? Is that the word, or we don't know? You can come forward just so our stenographer doesn't have to lean over and try to find out what you're saying.

MR. RAFFERTY: James Rafferty on behalf of the landlord, not the licensee. So I should note that Mr. Conroy represents the licensee, but in many ways, the fate of the space is controlled by the landlord. So it's obviously having an impact on the licensee.

The building is vacant and there is a reluctance at the moment to commit to re-tenanting the building as long as there's a potential for the redevelopment. It's a project that was moving at a very expeditious clip until about six months ago. The only thing I can say to you confidently is that six months from today there won't be a new building there, but I think six months from today there'll be a better understanding of whether this is going

forward or not, or whether they might choose to re-let the building.

The office tenants have vacated, the retail tenants have vacated. The approval has been obtained to demolish the building from the Historical Commission, and the approvals were obtained from the Planning Board to construct a new building. So that's the posture the project is in. Construction drawings have actually been developed but the financing for the project -- until a tenant is identified, there's no one really doing a speculative office building.

They remain optimistic that there's a likelihood that the conditions would change, but in the short-term, we're empathetic to the position of the licensee. I know the Commission has a history of acknowledging when licensees through no act of their own are unable to occupy their space.

I believe Mr. Conroy's view is that the licensee would -- the building itself has at the request of the neighbors and the Planning Board, does have a ground floor space that is

specifically designed for a restaurant style use. So whether it would be Hoffa's or whether Hoffa's would then choose to find a successor, we would urge the Commission to give them the latitude, at least for the next six months, so we can get a more complete understanding of the future of the building and report back to the Commission.

MR. HAAS: How long has the license back in inactive status?

MR. SCALI: Two years, at least two years.

MR. RAFFERTY: It's not in the Hall of Fame of inactives. There's quite a few --

MS. LINT: Actually, I think it is. April of '06.

MR. RAFFERTY: Oh, well. I won't remind you of a few others that I know.

MR. SCALI: That's three years then. So actually, we're getting up to the 36 month mark and we only allow 48 months.

MR. RAFFERTY: Understand, right.

MR. SCALI: So we're getting to the

Hall of Fame almost. I guess the issue for me has to do with the fact that there are people out there who are looking for licenses. We have Upper Crust here requesting a new Beer and Wine license.

People are coming in requesting new licenses, and yet, there's these licenses that are out there that are not being used.

In some sense, I'm kind of feeling the landlord has a little bit of pull on these. I know that the licensee wants to go back into a particular building.

MR. RAFFERTY: Mr. Chairman, I'm not aware of anyone who has solicited this licensee. I know that there is another Harvard Square license; Z Square license is actively on the open market. It's not as if -- I don't know who's -- in that case, the pledge holder is awaiting ultimate resolution. There's that license, and I know the Commission issued some licenses that to my knowledge have never been acted upon in the last year or two, but I'm not sure that this licensee has been approached by Upper Crust or anyone else.

Obviously, if you've got a 20, 25 seat operation and someone has a 200 plus seat license, a full alcohol license, I don't think they are a likely candidate to acquire that license. I think those are two different ends of the licensing spectrum. A full-service 2:00 a.m. All Alcohol license versus a smaller venue that's looking to get a Beer and Wine, I don't think they're likely to go there. The economics of that really don't seem to line up.

I understand the Commission's concern about that issue but I just think it might be unfair to presume that in this particular case, an extension of inactive would cause people who might otherwise want to buy it to have seek a new license. I don't think in this case you could make that claim.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Through you to Mr. Rafferty. I believe it came out in testimony, Hoffa's is actively negotiating with the landlord

in hopes of reacquiring that space. Is that still plausible?

MR. RAFFERTY: Oh, yeah. It's been a cooperative relationship. Obviously they were a former tenant. What happened is the building was sold and the buyer of the building bought it with the purpose of re-doing the building, so it's always been seen as a development project. The idea is that it would be a very successful project if it could have a ground-floor use of a restaurant. So yeah, that's been the vision. Whether Hoffa's is the ultimate user, I mean I think at the moment there is an agreement that they would essentially have the first -- it's their license obviously, so it would be their opportunity to come forward with a proposal.

MR. SCALI: I just think at some point we have to make a decision here as to licenses not being used, to just take them back and let people reapply. I think at some point that needs to be decided. I think we're at the point now where if we give you another six months then we have six

months left to the 48 months, and then we're done.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I have no problem extending; however, the one concern is that Mr. Rafferty is representing the property owner. We're not actually talking to Hoffa's.

MR. SCALI: Right, it's not actually his. You're right.

MR. TURNER: We should be talking to Hoffa's.

MR. RAFFERTY: Their counsel was here at the public hearing, and he's in Lexington, and I said I would come and report. So you're correct, but it's not a case that the licensee hasn't actively been represented at these hearings, and the request for the extension comes from them. I fully recognize that.

Perhaps -- I mean this is a very challenging environment for this business in particular and this industry. I would certainly say that if the message is that they need to begin

actively marketing the license then I would be happy to pass that along to -- because candidly, I don't think that has been the case to date, because their desire had been they'd like to come back.

MR. SCALI: I know that we've referred people to them and the response is, oh, we're going to use that license. So you can't have it both ways. You can't say it's on the market and then tell people well, I'm not selling it. If we're going to tell people that they should call them, they have to say we're going to negotiate with people.

MR. RAFFERTY: Candidly, their preference to date had been, and up until a year ago or nine month ago, this building was a go and there was a tenant identified. There was all but a deal in place, and the world has changed in the last few months.

It's no abstract concept. This building was hundreds of thousands of dollars in architectural and design fees, historic restoration

of the Conductor's Building, lengthy involvement with the Historical Commission, Planning Board, Community Development, your agency. This is no casual concept. This was very much -- and that had been the plan.

So if during that period of time someone had contacted the licensee, I would expect the licensee to say, gee, we kind of have a plan in place and we're moving in that direction. It may be that that plan needs to be re-examined if the building is not -- because I don't think my client wants to have a vacant building sitting there. If he's not going to take the building down, he'll be looking to re-tenant it and it does have a restaurant use in the building now. So I suspect everyone's expectations or plans could change in the next few months depending on what the fate of the redevelopment is.

MR. SCALI: Even if we give them six months now, that's not going to even be enough, because you're telling me they're not going to be open in six months.

MR. RAFFERTY: I think what I represented was I think I would have a better understanding and would be able through the licensee to report with more definitiveness about the fate of the building. My estimation would be that in the next six months there will be a determination made. The approvals around building and demolition and all have a certain date to them.

I would say that at the moment, the landlord is examining its options, and if the six months -- I'm sure the licensee has paid for the renewal. There is another license available in Harvard Square and if that person or entity is still looking -- I've been asked by the Cambridge Savings Bank that if I hear of any inquiries, to send them in their direction, because they anticipate being a pledge holder on a license that they would very much like to see used.

MR. SCALI: Our policy is different now, you know we can transfer from other cap zones. So it's not like you have to go to Harvard Square and get a Harvard Square license anymore. Our

policy has changed. So we've got Cambridgeport Saloon trying to sell, we've got Three Aces trying to sell, Fat Boys is still sitting out there, Hoffa's, Shine. There's a number of different licenses for sale.

MR. RAFFERTY: All the more reason to suggest that allowing this one to remain inactive isn't really impacting adversely the Harvard Square licensing market. I would say you've made a very compelling case that there are plenty of licenses in Cambridge, and if someone wants to come to Harvard Square, they don't need to talk to Hoffa's, per se.

MR. SCALI: My point is that if people keep calling them and they're saying, I'm holding onto that license, I'm not selling to you, then people can't buy them.

MR. RAFFERTY: I'm speaking for the landlord here but I know the Commission has been very accommodating. I do think the big picture here had been a very earnest attempt to redevelop this whole site, the long decaying Conductor's

Building. There was a great enthusiasm and excitement, and things have changed.

Speaking for the landlord and not the licensee, the landlord takes responsibility for the uncertainty that is now cast upon the license, and if you saw fit to give the licensee an additional six months, I know we would work in the next six months to come up with a more definitive game plan about what to do with the building.

MR. SCALI: Any further discussion?

MR. HAAS: Mr. Chair, I think it would be a whole different scenario if the landlord wasn't supporting the continuation of the license. I think the fact is that they're still seeing it as a viable option when or if the building ever does get open and things like that.

I think if it was a different scenario where the landlord was either agnostic about it or was opposed to it, then I think it would be a whole different scenario. It seems that as Mr. Rafferty points out that the landlord is interested in maintaining that business if they can. That could

change in the future, I understand that, but at this point in time, I think it's still a viable option for the utilization of the license, that space again, so I'm prepared to go for six months extension.

MR. RAFFERTY: The reality is, Mr. Chairman, there's an honest to goodness space that's empty we can point to. There are some inactive licenses that if you took the address and walked up and down the street, you might have a hard time finding the location. So we're not there yet and I understand that. That's even a more precarious situation.

MR. SCALI: That's a good point.

MR. RAFFERTY: It could well be that this gets re-tenanted; that this building stays and that that would become a restaurant again. I think that's frankly what is being examined now.

MR. SCALI: Motion then for six-month extension.

MR. HAAS: Motion.

MR. SCALI: With the caveat that we're

at the end of the line here. Mr. Rafferty will pass it on to Mr. Conroy as well.

MR. RAFFERTY: I get paid to let people know what I sense is happening, and even I can sense that we're at the end of the rope here. So I will be sending that message to Mr. Conroy.

MR. SCALI: Motion.

MR. HAAS: Moved.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Thanks very much for the clarification.

MR. SCALI: Upper Crust, just tell us your name again for the record.

MR. TOBINS: Jordan Tobins, one of the owners and managers of the Upper Crust.

MR. SCALI: We're back and forth with the capacity issue. What's the capacity?

MR. TOBINS: We're staying as is.

MR. SCALI: Sixteen.

MR. TOBINS: Sixteen seats.

MR. SCALI: You weren't able to get an increase, or just don't want to do it right now?

MR. TOBINS: We just don't want to do it right now. I spoke with a couple of the inspectors at the Building Department, and they said we could go ahead but we'd have to go through the whole initial hearing again, the whole process of --

MR. SCALI: A Zoning hearing?

MR. TOBINS: A Zoning hearing, yeah. So their suggestion to us was keep it as is and work with what we have. Then down the road six months, a year down the road if everything is

looking good and going well, then revisit it with a Zoning hearing. So we took their advice.

MR. SCALI: So keep the plan as is, as you have submitted to us previously?

MR. TOBINS: Yes.

MR. SCALI: Here is my other issue: we've been issuing a number of free licenses out there in the Square, and you just heard the conversation with Mr. Rafferty, we have a number of licenses that are for sale out there. Not that we're trying to boost the prices of these licenses, because the prices have been coming down, which is a good thing. We're trying to make them more economical for people to be able to afford them.

There's Cambridgeport Saloon that's trying to sell, Three Aces is trying to sell. I'm not sure about what's happening with Fat Boys. I know Shine is trying to sell. Those are a couple of All Alcohol ones, and one Beer and Wine. So why should we be issuing you a new license?

MR. TOBINS: Simply bringing up Mr. Rafferty's point about the economics is due to

the fact that we are a small place, and even if we go before the Zoning Board and increase our seating capacity, we're only going to be increasing it from maybe 16 to 20, 22 seats. So it's not like we have a huge volume of patrons that are going to help generate so much cash flow that it's going to be able to pay for the license. So for a 16-seat restaurant to go out and spend -- well, I mean people are asking a lot of money for these licenses, and when we give them an offer -- we offered to buy a couple of licenses and have been turned down every time.

MR. SCALI: Tell me who.

MR. TOBINS: One was originally a pizzeria that closed in Porter Square. It was DeMeo. That was a little while back.

MR. SCALI: That was a free license though.

MR. TOBINS: He tried to sell it to us.

MR. SCALI: That's going to be trouble for him, actually.

MR. TOBINS: He called us up and actually offered it. We didn't track them down. They said look, we know you guys are looking for a license.

MR. SCALI: Didn't he turn that in?

MS. LINT: Yes.

MR. SCALI: That license was turned in.

MR. TOBINS: That was Daniel Adelson.

MR. SCALI: That was a free license.

MR. TOBINS: I'm glad we didn't buy it then.

MR. SCALI: You wouldn't have been able to.

MS. LINT: Three Aces is a very similar size.

MR. SCALI: Three Aces is for sale, just beer and wine.

MR. TOBINS: Do you guys happen to know what they're asking?

MS. LINT: No.

MR. TOBINS: Don't quote me on that,

but I believe it's north of \$30,000.

MR. SCALI: That's not unreasonable.

MR. TOBINS: It's not unreasonable, but they definitely have more seating. They were I think 30 plus seats and we're half that.

MR. SCALI: You certainly can bank whatever you don't use, so if you buy the capacity and don't use them, you don't lose the seats, you bank the seat for use in the future. So if you decide to go through your Zoning hearing and you're looking for additional 20 or 30 seats, you're going to have those extra seats already.

MR. TOBINS: We won't be able to put that many more seats in our space. After going over the plans with the Building Department, and like we said, they said capacity-wise for seating, there only was the possibility of maybe four more seats or six more seats tops. So that's why we said it makes more sense for us to keep it the way it is for now. We have had requests. We actually brought in a number of support letters. We have a bunch more that were --

MR. SCALI: We really didn't have a lot of overwhelming support last time either.

MR. TOBINS: Yeah, and we actually had more. Our server was down on our company e-mail, it just came up this morning, so we have like seven or eight more letters that they sent in, in support. Some are from local businesses, some are from residents, some are from students and alumni at the university. Some people have definitely been asking about it and always kind of joke about it when they come in. You know, it would be great to have beer with our pizza, or get a bottle of wine with a pizza.

Also we liked Mr. Rafferty's point about the economic times now. We would like to help generate and draw business. There are other pizzerias in Harvard Square and the area that do offer beer and wine. You know, if you have choice to go in someplace and order pizza and sit and have a beer, or go sit someplace and have a pizza and not, you know, in all honesty, you'll probably go to the place that you can and at least have the

option to.

MR. SCALI: Questions?

MR. TURNER: Mr. Chair, on this application there are kind of a lot of issues here. I think the first thing that comes to mind is was there a demonstration by the applicant that an aggressive attempt was made to purchase another license? Has he proven that to us? Ms. Lint mentioned about the Three Aces license and how that's a similar establishment to this establishment, and I would differ in that this is a very small -- again, 16-chair establishment.

Certainly, I don't disagree that having a beer or a glass of wine with a pizza is a good thing, except I would describe this as more of a takeout place. I would not just go there and have a nice table in a back corner somewhere enjoying a pizza and a beer.

I would tend to lean towards not approving this request at this time and have the applicant again see what's out there, what's available for sale for licenses, and take that

route. And perhaps in six months if he can demonstrate that an aggressive attempt was made to purchase another license, and that those efforts went by the wayside, then perhaps we could reconsider then.

MR. SCALI: Okay.

MR. HAAS: Mr. Chair, in part, I agree with the Deputy Chief. I would just take kind of a different tack in that I think there are -- and I understand the difference between an all liquor license with a large capacity and a beer and wine license, but I think there is at least one that we know of that hasn't been explored yet. Before I would entertain going for a free license, I'd want to make sure at least all those options are explored.

When I say, "all those options," I'm not expecting you to go to an establishment that has an all liquor license with 200 seats and say, "Sell me your license," but I do think that there is an opportunity to see what's going to happen.

I think particularly with Three Aces,

I know that their situation has changed drastically probably from when you first heard about what he may be selling the license for considering what he may be prepared to sell it for now. I don't necessarily think you need to wait six months, but I would want to make sure I feel comfortable that you at least took stock of what is out there, see if you can make a viable offer that will suit your business plan, and at least explore that. And if not, then I'd feel more comfortable trying to support a no-cost license.

MR. SCALI: I think the prices have come down dramatically. The days of \$500,000 for a license are no longer. Beer and wine licenses can go for 15 or \$20,000, \$25,000; 30,000 I think probably is way out there.

MR. TOBINS: When we offered 30 to that one person who now I know has a free license, they scoffed at us, they laughed at us straight out loud. He was like, "Whatever; we're going to find somebody else to buy the license," and he pretty much hung up the phone on me.

MR. SCALI: It actually worked out better for you.

MR. TOBINS: Yeah, it worked out better for us. But I mean, we were kind of sitting there and I was figuring like how many beers we'd sell in a week, so even if we pay 30,000 for a license, it's going to take us three plus years to pay off just that license alone. And that's hoping that somebody is being reasonable with their license. That's also assuming we can scrounge together 30,000 in cash and give it to somebody, because nobody wants to hold a note. They want to get paid cash and run with it.

We can definitely explore the Three Aces. We're not opposed to that. But like I said, just being totally honest with you, we can't afford -- we're too small of a place to be able to go out and spend.

MR. SCALI: You have a number of locations though, don't you?

MR. TOBINS: We do, but our business model is -- you know, we're not sitting here taking

money out and going woo hoo, having a good time. We take any money we make and we put it right back into our business. Advertising -- you guys see what we do for our advertising in the Proper, TV sponsorships.

MR. SCALI: Do you have any beer and wine license in other locations?

MR. TOBINS: Yes.

MR. SCALI: Which one?

MR. TOBINS: Newbury Street has a Beer and Wine license. That was one of the restricted free licenses from Boston. Our Tremont Street location in the South End, same exact kind of license, a restricted Beer and Wine, and Brookline as well. That one is an unrestricted but that was at a time when they had licenses available.

MR. SCALI: So you got all of those for free, all three of them?

MR. TOBINS: Yeah.

MR. HAAS: Including Brookline?

MR. TOBINS: Including Brookline,

yeah.

We're not trying to use licenses as a cash thing to sell, it's just as part of our business, part of what we offer.

MR. SCALI: Any further discussion?

MR. TURNER: No.

MR. SCALI: Our policy has been lately that we have been more trying to encourage people to come in and actually operate in the city. Particularly in Harvard Square, it's been very expensive over the years to be able to do that.

I know that with our alcohol policy changing in 2006, we have been encouraging people to come in and apply, try and attempt to buy a license, but our policy has been more lenient in terms of granting new licenses. I guess if we're going to change our tactic now, we need to let people know that that's going to be what's going to happen in the future, but perhaps maybe this gentleman shouldn't suffer for that particular reason with us changing our policy at this point in time.

I have no problem with us going forward saying that we're going to be less lenient, but I think that they have assumed that our policy has been more lenient now in terms of granting the license. Otherwise, they probably would have been more aggressive in trying to buy a license.

MR. TURNER: Mr. Chair?

MR. SCALI: Yes.

MR. TURNER: I believe part of the policy was also how the sale of the beer and wine would impact the licensee. In other words, can a licensee not survive without a beer and wine license?

MR. SCALI: That really isn't a consideration though. We really can't use it as a justification to grant licenses.

MS. LINT: But the policy was very clear that they had to prove that they exhausted all available means of purchasing a license.

MR. SCALI: That's true.

MR. HAAS: The only thing I'm asking is that there is one possible license, and I would

ask them to at least explore that possibility. If they come back and say it's not going to fit within their business plan and things like that, then like I said, I'd be more comfortable to --

I don't think it's placing an undue hardship just to make sure that that avenue has been closed first before we entertain giving a free license.

Again, I don't think you need to wait six months. You could go out tomorrow and try to negotiate a license. If he says no, then try to get back on the schedule again.

MR. TURNER: Mr. Chair, also I would add that is licensee, it is a chain. There are three other establishments, so that question about economics and unaffordability kind of comes into play on that one.

MR. SCALI: Why don't we give you an opportunity to go out and see if you can negotiate with Three Aces. I think maybe we can continue the matter for a month. Would that be helpful, Commissioners?

MR. HAAS: Yes.

MR. SCALI: Give you a month or so to figure out what might be possible and then have you come back.

MR. TOBINS: When we come back would it be like to this hearing or is it like the evening hearing?

MR. SCALI: We can do it either way.

MR. HAAS: You've got Three Aces scheduled for the 10th.

MS. LINT: That's just next week.

MR. HAAS: I know. So I'm just wondering if the meeting after that.

MR. SCALI: That's the agenda of the 24th of March.

MR. HAAS: I think we'll have a better idea of what's going on with Three Aces after the 10th; right?

MR. SCALI: Yes.

MR. HAAS: And they'll have a better idea of what's going on. Then maybe they'll be more amenable to want to negotiate something for

the license.

MR. TOBINS: They're closed; right?

MR. SCALI: Yes.

MR. TOBINS: Their doors are closed?

MR. HAAS: Yes.

MR. TOBINS: They're not going to try to reopen or anything like that?

MR. SCALI: They can't. Harvard is not putting another restaurant at that location. It's going to be for the expansion of the Harvard Law School so there's not going to be a restaurant there.

MR. TOBINS: Do you have a contact for them?

MS. LINT: I do.

MR. SCALI: Their attorney is Ms. Triantafillou, so she'll be happy to speak to you.

MS. LINT: I have it right here.

MR. SCALI: Motion then to continue the matter until March 24, which will be in the evening at 6:00 p.m., and report back to us on your attempts to purchase at that point, particularly

with Three Aces Pizza.

MR. HAAS: That's the only license at this point that's similar in terms of size?

MS. LINT: I think so.

MR. SCALI: There are no other Beer and Wine. All the rest are full alcohol.

MR. HAAS: Moved.

MR. SCALI: Moved. Seconded?

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

All right, the 24th of March.

MR. SCALI: Shrimp Market?

MR. GOULD: Yes.

MR. SCALI: Come forward.

MR. GOULD: Justin Gould.

MR. SCALI: Mr. Gould, have a seat.

So the last time you were here on the 10th, the issue was the fire suppression system, the hand cleaning issue, all that. Has that been resolved?

MR. TURNER: Hood cleaning.

MR. GOULD: I believe the issue was who was responsible. The mall is responsible. We've gotten with maintenance to get us a schedule, a basic schedule. I haven't been back there since our last meeting; I've been down in Queens, New York. We have two locations down there. I actually found out last night and drove up from there this morning. I'm on my way over there now. I can get with the manager to get a schedule. I can get a schedule to you.

MR. TURNER: A schedule is fine but code already has a schedule outline and it's every six months, and that's a requirement from the State

Fire Codes.

MR. GOULD: I'm not positive to the last date.

MR. TURNER: So the question I would have now is when we inspected based on this application, they were already outdated. So they really shouldn't have been operating at that point, but they'd already been operating for a year, almost a year. The question right now would be have they complied with their inspections, whether it's the mall handling it or you as an individual, and then just to document that. And you're going back there today so perhaps you can get some information to us.

MR. GOULD: Today I can take a look. I know they post it on the hoods, the updated date, and I can get the date for you and the update, and we can go from there. I believe the manager has taken care of most of the issues. He was definitely willing to jump right on top of it the second I left here.

MR. SCALI: I would actually prefer

that you had said it is taken care of as opposed to I think it might be taken care of.

MR. GOULD: I'd like to say that but I don't want to be wrong. I really haven't been in the Boston area.

MR. SCALI: I think I would have found out before I came here if I was you. I would have made a phone call to the manager on your way in and said is it all taken care of.

MS. LINT: Mr. Chair, I think the other issue was that their original approval was April 22 of '08, at which time we sent a letter to the owner, Ms. Abromowitz, in Florida. I have the letter right here telling her that they needed to get all of their sign offs, come in, pay their fee, pick up the license. They never did that.

She called me after the last hearing and was a little bit argumentative I will say, and said, "Oh, I didn't know I needed to do that," which I find unbelievable because she has Shrimp Markets at all over the place, and said, "Oh, I never got that letter," but she's gotten every

other letter from us including the one about the Decision hearing.

MR. SCALI: Is she the one that's in charge of all this stuff to make sure it's done?

MR. GOULD: Yeah. She is the president/owner, yeah. She called me last night and told me about this hearing and I drove up from Queens.

I understand your thought on how she can be, honestly. Honestly, she's -- I'll say we're a little understaffed as a company with me from here to New Jersey. You know, I'm the only one. They're kind of overstaffed -- Florida is our main base, our headquarters. Vanessa tends to just kind of compound duties and can be a little forgetful especially as far as that instance goes.

In the meantime, we've got to pay the price with little things like this, which are big things to the towns, you know. And unfortunately, I can't tell you that I have all the answers for you. I can do the best I can to get everything looked up and taken care of today as far as that

goes, the letters and sign offs. I picked up a package myself upstairs for the sign offs. Vanessa told me to send it to her, I sent it to her. Apparently she has somebody that takes care of all that.

MR. SCALI: When was that sent to her?

MR. GOULD: This had been in September maybe, October.

MS. LINT: We don't have sign offs.

MR. TURNER: Mr. Chair?

MR. SCALI: If I were you, I would have come today with all my sign offs and said it's all taken care of. You've had three weeks to do that.

MR. GOULD: I have no idea about what happened with the sign offs, I honestly don't.

MS. LINT: She had asked me if I felt that she should be the one to come to the hearing today. I told her that's a business decision that she needed to make, but that all of our correspondence had been with her. She's the one who really is ultimately responsible, and she

didn't come.

MR. GOULD: I don't have the information she has about anything. Again, I picked up the package, asked her about the sign offs, and she said she had somebody that was going to take care of that. I said okay.

MR. SCALI: Who?

MR. GOULD: This is Vanessa.

MR. SCALI: Who was taking care of it?

MR. GOULD: She has a lawyer. She has a run man who does all the paperwork.

MR. SCALI: When she decides that it's going to be important that's when we'll make our decision. I'm not feeling real keen about granting permission today.

MR. TURNER: Mr. Chair, if I may, I think one I can do is offer some direction for this gentleman to take. And that is, generally on these inspections, we physically look at the establishment, we look for the tags and the stickers on the hoods, and the dates. We may request paperwork, or sometimes the restaurant

owners produce the paperwork from the companies that they hire to do these inspections.

If it's in a licensing situation such as this, you'd come in with those receipts. Basically it's receipts from your inspecting companies. If it's the mall -- that's curious on my behalf. That's the first I've heard of it.

However, I think how we can proceed is if you want to go out this afternoon as you mentioned, go down to try to straighten this all out. If not, by tomorrow we'll be at the establishment and we'll issue a citation. It's a non-criminal citation; however, there are some fees that we can assess to that citation. Generally, it's a 24-hour notice to comply with the citation, after which the establishment would have to close for lack of compliance with the State Codes.

MR. SCALI: I can do better than that, close them down today.

MR. TURNER: I know you can.

MR. SCALI: I want to see all the sign offs. I want to see Building, Fire, Health

Department sign offs, and you owe for last year and for this year, the fees. If we're going to do that, if we're going to grant permission, all those have to be done.

MR. TURNER: Mr. Chair, if this is not approved and the establishment is ordered to cease and desist from the License Commission, do we notify the management, the property management, that they're not to be operating?

MR. SCALI: We would certainly let the landlord know.

MR. TURNER: Because it seems like we're not getting cooperation dealing directly with the restaurant at this point.

MR. SCALI: We'll send Ms. Boyer down there to close it, that's all.

I don't know why she's dumping this on you, if she's dumping it on you at all. I guess she's not taking this very seriously.

MR. GOULD: Honestly sir, I wish I had the answer. I wish I had a little more information in front of me. Again, I do -- as she

told me to pick up the package. She did receive the letter to pick up the package for the sign offs. I went through it myself, told her there's a lot of work to be done. She said just send it to me, I have somebody who takes care of that. I sent it down to Florida FedEx, she got it the next day. This was months ago.

Apparently, none of that has been done. The only thing I knew about was what we discussed the last time and honestly, I have no information. The only thing I can do from here is get on the phone with her to say I'll do the sign offs, I'll do the sign offs personally. I can get around town all day. I'm in the area for the next three days and I'll stay longer if I have to, but I can definitely make sure everything gets taken care of in a very timely manner.

MR. SCALI: I'm going to make a motion that we give you seven days to comply with all the sign offs, back fees, and if it's not completed by next Thursday at noontime, the premise will be closed.

MR. GOULD: Yes, sir. That's more than fair.

MR. SCALI: If Ms. Abromowitz doesn't take that seriously then Ms. Boyer will be there at noontime on Thursday and the premises will be closed.

MR. GOULD: Yes, sir.

MR. SCALI: Moved?

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye. Good luck.

MR. GOULD: Thank you.

MR. HAAS: Mr. Chair, just before he leaves. Now they don't have to come back before the License Commission now for us to take action? Or, at the end of the seven days, then we'll go ahead and --

MR. SCALI: Seven days, noontime next Thursday, Ms. Boyer will be down there.

MS. LINT: We would know because we would get the paperwork.

MR. HAAS: I'm debating whether it's -- I think it's imperative that the manager understands that you just can't be handing stuff off and continue to run a business. My feelings are that at some point, she's going to have to come back before the Commission, and then I think at that point in time, we should -- you know, I think there's two pieces here. One is to shut the place down after seven days if we don't have all the sign offs and inspections, but I still think you've got the unfinished matter of us voting on the CV license.

MR. SCALI: So you want to have them appear on the 24th?

MR. HAAS: I would schedule once -- well, you've got two things here I would argue. One, you're going to give them seven days to get the sign offs and stuff like that. That gives them somewhat of a reprieve until the next time you can schedule a hearing. Then I would suggest that we

then bring them back and then review the appropriateness of issuing a CV license.

MR. SCALI: Okay. So we're going to remark it up for another hearing after that, Mrs. Lint. The 24th of March or April?

MR. HAAS: I'm assuming we want to try to do it as soon as possible, so the 24th seems to be appropriate.

MS. LINT: Or if you want the 26th, the following decisions?

MR. SCALI: Decisionmaking, it's the week after that. It would be the eighth or --

MS. LINT: Is it April 1? I need a calendar.

MR. SCALI: It would be April 2, which is the Decisionmaking meeting.

MR. HAAS: I'm hoping it would be a short process at that point.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Just one other thing: You're Justin Gould; correct?

MR. GOULD: Yes, sir.

MR. TURNER: You mentioned that you're in New York running two establishments in New York.

MR. GOULD: I am.

MR. TURNER: How does that impact him being manager up here? Is that a way in at all? Should we have a local manager?

MR. GOULD: There is a local manager for all the store locations. I'm just the New England Regional.

MR. SCALI: You're the regional director?

MR. GOULD: Yes. I deal with food and just making sure everybody is in their place, and then I get this. This is insane. I went through this in New York as well when we opened, and it's becoming a headache for me as well, so I definitely understand your anger, the grief.

Would it be safe to say I should pick up another package? Yeah, I'm going to just pick it up.

MR. SCALI: The other package is in

Florida somewhere I gather.

MR. GOULD: I'm not even sure I'll tell her about it. I'll just take care of it on my own.

MS. LINT: She needs to know.

MR. GOULD: I'll send it to her. I'll be gone for the whole month of April to Ireland so she can -- on that note, she's going to have to take care of everything on her own.

MR. SCALI: Another motion then to continue this until March 24.

MS. LINT: April 2.

MR. SCALI: Do you want an evening hearing? It will be better for an evening.

MS. LINT: All right.

MR. SCALI: March 24, 6:00 p.m.

MR. GOULD: Yes, sir.

MR. SCALI: Moved, seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

Hopefully, we'll see you before the end of the week, or maybe next week.

MR. GOULD: Yes, sir. I'll definitely make sure everything gets handled.

MS. LINT: The only other matter from that hearing is Ryles.

MR. SCALI: Ryles, Disciplinary. It was the first item on the agenda. I thought it was going to be a short meeting.

Two incidents with two women that were punched. One was punched by an unknown male at Ryles. I guess they didn't call the police the first time, the second time they did. Ryles has tended to have a good track record in the recent past.

MS. LINT: He's got a very good track record.

MR. TURNER: Mr. Chair, I gave this one a lot of thought and I thought that based on all the circumstances that it was just a customer that probably was a little intoxicated.

MR. HAAS: That makes it worse.

MR. SCALI: She's intoxicated and then she hits somebody.

MS. LINT: My question was, and nobody asked it, was it a totally unprovoked attack? Did

they know each other before? She seemed to indicate she knew the woman's boyfriend. Why would this woman just go across the dance floor and attempt to hit her in the face with a bottle for just out of the blue, no reason? I think there is more to the story than what we heard.

MR. SCALI: It's kind of a personal issue between the two women, not Ryles.

MR. TURNER: I don't see where Ryles didn't do anything wrong here on this one.

MS. LINT: It sounded like the way the first incident occurred, Ryles probably didn't have any idea that anything had happened.

MR. HAAS: She left the establishment and came back to the police station after she went for medical treatment, or vice versa.

MS. LINT: It just left a big question mark in my mind.

MR. SCALI: I think they probably thought they could handle it on their own and then they decided they couldn't.

Discussion?

MR. HAAS: Mr. Chair, I think they have a pretty good track record, and I would offer that maybe we just put a letter in the file, and then if we have a repeat of it, then we at least have a record that this occurred, and then basically it's a warning. I would make it very clear that it's incumbent upon the employees to call the police when they have incidents like this.

The other thing I'm fairly comfortable with is that the promoters that he was using, if I remember correctly, he's no longer using that promoter.

MR. SCALI: I forget now who that was.

MR. HAAS: Something Shag, Super Shag.

MR. SCALI: Yes, Super Shag, Alfredo Valaho, but he's not there anymore.

MR. HAAS: No.

MR. SCALI: Motion for a warning that in the future, they should be calling the police on incidents such as this, and if there is a repeat incident, this matter will come back on the agenda. Moved?

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Any other matters?

MR. HAAS: Mr. Chair, could I just go back to the Z Square matter? We have an outstanding detail balance of \$300, and I would want to see the license flagged to make sure that's resolved before the license gets sold.

MR. SCALI: I know that I have a letter or an e-mail from your Lieutenant Ahearn. It's in the file already.

MR. HAAS: Okay.

MS. LINT: That is in the file.

MR. SCALI: So you're saying that if it should be transferred or --

MR. HAAS: I think that should be a condition of the sale; that that matter get resolved. I don't care who resolves it but that bill should be paid.

MS. LINT: We generally do that.

MR. SCALI: Just make sure to make a note of that then in the letters.

MR. HAAS: Also, I think we should let Cambridge Savings know that the license is flagged

for the purpose so that they don't get caught short when they're trying to sign a pledge and things like that. They should know there is an outstanding liability for that license.

MR. SCALI: Actually what we should do is do a letter that we clarified that vote with that information in it so it's actually on the record. So that's moved. Seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: Everything else is done.

MR. SCALI: Actually, on the record if we could just talk a little bit about the taxicab subcommittee just so the Commissioners know what's happening. I know you get copies of our minutes, but I'm sure you don't read them in detail in terms of what's happening, because they're kind of intense in terms of long and lengthy discussions.

We are in the midst -- actually the subcommittee voted to recommend to the Commission that there be a meter rate increase, and I can explain to you what that rate is. It's a reasonable 10 percent increase. They haven't had an increase in three years. It needs to go on for a hearing at some point in the near future.

Our taxicab inspections begin the last week of April, beginning of May. Officer Zito and Officer Arcos are working on that now to arrange that. They'll be doing the inspections.

In the meantime though there's also a very huge discussion going on with regards to requiring credit cards in cabs. Boston just had installed in a thousand of their cabs a video

screen system, the same that's in New York, the same that's in Chicago. There's a company on Long Island that will be coming out and doing a presentation to us on that on April 15.

The industry is very mixed and has been very raucous about this discussion. Some are in favor, some are not in favor. The business community and tourism community is in favor of credit cards being accepted. Some drivers have threatened to sue if we do require that there be credit cards required in all cabs. So there is a discussion about whether it will be optional or required in all cabs.

Then on the other side of the coin is that there are a number of complaints about cab stands being blocked as we just talked about. Officer Arcos and Officer Zito are doing a very wonderful job with making sure that delivery trucks and private cars are not on cab stands, but they're also enforcing making sure that cabs are not illegally parked, and parked at meters, and hanging over cab stands and parked in loading zones,

particularly on Sydney Street, Church Street, at the Marriott, and Charles Hotel.

So that has become a very lively discussion here. I know you all can't visit because there would be a quorum of us if you're here at those meetings when I'm here.

I'm sensing that somehow perhaps I should be stepping down from chairing those committees because of my voting requirements. Mrs. Lint and I have discussed perhaps that she should be chairing the meetings and not myself. It's a very huge change. I'm not sure that she wants to do it.

MS. LINT: I told you, only if I can have a gun and a gavel.

MR. SCALI: I just wanted to make sure you knew that it's become a very lively discussion, and in some sense I've become the bad guy trying to push this on the community.

MS. LINT: Oh, I get it now. So I have to be the bad guy.

MR. SCALI: I'm not saying you're the

bad guy, I'm just saying they are thinking that I am partial to that happening.

I've also asked for them to come up with incentives to want to do this. We're going to give them a meter rate increase, they have to also offer something back to the community for a meter rate increase as well. So I'm trying to come up with a package that would benefit the community and also benefit the drivers with a meter rate increase.

MR. HAAS: Mr. Chair, on the first point I've got two questions: One, what is the cost associated with switching to or making it available to have customers have the ability to pay by credit card? What's the cost that's passed onto the taxicab operators?

MR. SCALI: If we do take the recommendation of this particular company that's coming out, it's free to install. The equipment is free. The company charges for advertisement on the screen; that's how they make their money. They have a deal with Bank of America, which offers a

very low two-and-a-half percent processing fee, which most companies charge a lot more than that. But the taxicab community still feels that that would be taking money out of their pocket by them having to pay that processing fee.

MR. HAAS: My second question would be then is, I mean the 10 percent increase is being proposed. Does it have to be 10 percent or could it be 12-and-a-half percent?

MR. SCALI: Whatever is reasonably justified is always a possibility.

MR. HAAS: I would offer that for the cost of doing business in offering this additional service, it's going to be conditional upon the rate increase that we would take into account the potential cost of the credit card company and offer something slightly higher than 10 percent. Maybe not necessarily 12-and-a-half percent, because not every transaction is going to result in a credit card transaction. If we were to make it 11 or 11-and-a-half percent, that would be I think the quid pro quo with respect to the rate adjustment, and

the condition would be that they would have to offer credit card service to their clients.

MS. LINT: I think there is another side to it though that the drivers aren't really thinking about. If I get into a cab and I'm anticipating that I'm going to be able to pay with a credit card because say I only have a \$10 bill in my wallet, and it comes to \$9.45, and they tell me they don't take the credit card, they're just going to get the change for a tip. But if I can use a credit card, they're getting a bigger tip.

MR. HAAS: I understand that.

MS. LINT: I know you understand it, I don't think they understand it.

MR. TURNER: I think there's a lot more to their reasoning to be in denial and oppose this installation.

MR. HAAS: I do too, but I don't think we want to entertain that either.

MS. LINT: I don't know if you've seen what they have in the New York cabs, but it's really very efficient. It has all the advertising

right on it, it has all the rules, and the mileage, and everything. It's just so clear.

MR. SCALI: No more cardboard stuff on the back seats.

MR. HAAS: Again, I haven't talked to the Deputy Chief or the Commission, but I have to believe that this body wants to see that service provided to its customers, and you have to do it uniformly. You can't have some cabs with it and some without. So I wouldn't entertain an optional piece.

I think we're at a place now where they are looking for a rate increase. I think we are amenable to giving a rate increase. I think it's wholly appropriate for us to say, look, we're going to go with the rate increase, but the condition that's associated with that rate increase is that you provide this service to your customers.

MR. SCALI: Of course, also the tolls are going up as well, so that's an additional cost to the customer, which is an automatic thing anyway. There's no option.

MR. HAAS: Right, it's beyond their control.

MR. SCALI: The other piece of this too that you should know about is that when we initially agreed to auction off medallions, the first medallion was a medallion which was for grant funds for the changeover to hybrids, and that money is still in our grant fund account.

The second medallion that we auctioned off last year was a hybrid medallion which went for \$450,000. We had voted that that money stay with the Commission and that it be for taxicab industry use. The City Manager decided that that was not what he wanted us to do and he took that money and put it into the general funds.

The taxicab industry is very angry that that happened. I tried to explain to them that the City Manager overrules revenue issues for us. We don't really have control over revenue issues, but that that money that went into the general funds is also helping to fund our second police officer and many other services that are

provided; the roads, and potholes, and Fire, and health, and all the other issues in the city.

I think their plan is that they are going to somehow object and make their voice known to the City Council that this money should not have not been taken. I don't know how that's going to happen or when it's going to happen. I explained to them that I don't have the power to tell the City Manager that I want that money. Just so you know about that as well.

MR. HAAS: With respect to the second issue, and I think we've had this conversation before, they have an obligation that if they expect enforcement to be -- well, two things: if they expect to have taxicab enforcement, they have to take a more active role in reporting violations. Again, I don't want to encourage frivolous violations, but clearly, if somebody is blatantly parked or blocking the taxicab stand, they should pick up the phone and call the police, and we'll respond and we'll take enforcement action.

To wholly throw it back on the police

and say we're not doing enough in terms of enforcement I think is disingenuous at best. They have a vested interest in us keeping those cab stands clear and I don't see the harm in them reporting blatant violations, and we will take the enforcement action.

MS. LINT: I will tell you, Officer Arcos has been out there at 5:00 and 6:00 in the morning. First, he was down in Harvard Square, and there was definitely an issue with two trucks being parked in the cab stands while the cabs were in the truck loading zone on Church Street, and he put the trucks on notice; that he wasn't going to give them a citation that time, but if he caught them again that he would. And in fact, he did.

So the word is out. He did the same down at the Charles Hotel. He ticketed several of the trucks down there. He also ticketed several of the drivers parked at No Parking zones, and the word is out and things are improving.

MR. HAAS: If arm and arm with parking, I think we all know that if there's not

strict enforcement and there's some slippage, it's just going to go right back to where it was before. I think we need to move into a posture that if in fact they are serious about keeping the taxicab stands clear, they've got to be an active participant in terms of helping us enforce those. All they have to simply do is pick up the phone and we'll send a cruiser and we'll issue a citation.

The second piece though is that they're also bound by the same rules and regulations, and that they can't think that because they are conducting business in the street that they can double park, they can park illegally, or they can do whatever they want to do and not suffer the same kinds of consequences. So I think it's only appropriate for them to understand that you can't have it both ways. If they want us to do the enforcement, we'll gladly do that but also understand when they're engaged in activities that are wholly inappropriate, they also run the risk of being cited.

MS. LINT: I think the word is out.

MR. SCALI: I tried to explain that to them but they feel that somehow we're now picking on them.

MR. HAAS: We're not picking on them.

MR. SCALI: Because there are only 130 cab spots in the city and we have 257 cabs, of course, there's not enough parking. I said there's not enough parking for anybody, so I mean -- I can't get a space without renting a space in the city. They don't seem to understand that that's the case.

MS. LINT: I know the feedback I've had since there are two offices out there is really positive.

MR. SCALI: That's good to know.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Back to the credit card issue, and seeing how I think this is going to be quite the hotbed --

MR. SCALI: I have a feeling it's going to be, yes.

MR. TURNER: I started doing some mental notes in preparation of that hearing. The one thing that comes to mind is the safety of the cab drivers. They'd be carrying less cash.

MR. SCALI: We have talked about that as well. I think perhaps their reluctance is what the Commissioner mentioned before, is that when you're swiping a credit card or you're punching a screen, there's a transaction that's recorded, documented.

MR. TURNER: It's documenting the date, time, and locations.

MR. SCALI: And that means that money is not as easily --

MS. LINT: Hidden.

MR. SCALI: -- hidden, if you want to say it that way. Cash business is much easier to be -- it's not reported as opposed to a swipe of the card.

MR. TURNER: Having just gone through an experience of having to use cabs quite frequently, and the different exchanges, cash

exchanges and amounts that took place, I would be fully supportive of this idea.

MR. SCALI: I just wanted to make sure you knew what was happening because I feel like somehow I am living in like a little bubble sometimes when we're having these subcommittees, and then all hell breaks loose, and we don't know exactly where we are.

MR. HAAS: What is the timeline in terms of when you want to implement both the fee increase and when your plans are to make a decision with respect to the availability of credit cards to customers?

MR. SCALI: The idea was to have the meter rate increase for inspections coming up, but that's not going to happen because we're not ready. They're ready but I don't feel like we're ready because I want to present it as a package to all of you. So as soon as we come up with some kind of an idea about what the credit card thing will look like, I will present it as a package to all of you in either April or May.

MR. HAAS: I'm wondering, if it's the position of this body that we -- I think we're in agreement listening to the discussion that we expect that service to be provided and that if we can't reach a quicker agreement, if they understand that the rate increase is now going to be held up until this thing can get resolved. You know what I mean?

MR. SCALI: They know that. I told them that I'm not giving them a rate increase until we have some package, and that has angered them as well. I said if you're not willing to give something to the public, I don't know.

MR. HAAS: Okay, that's fine. I didn't realize when you said "something for the public," I wasn't sure if you were talking about that particular issue or something else.

MR. SCALI: No. I think that's the issue. They would prefer that we vote on it tomorrow, the rate increase.

MR. TURNER: When was the presentation?

MR. SCALI: It will be on April 15. I have to get a hold of Bank of America and Creative Mobile Technologies.

MR. HAAS: When do the inspections take place?

MR. SCALI: The last week of April, the first week of May at DPW.

MR. HAAS: Do you have any indication of where the City's going to go with respect to that second position? I mean I had a conversation with David Kale and I didn't know --

MR. SCALI: The one that we have on our books?

MR. HAAS: Yeah.

MR. SCALI: The word is that they are intending not to fill the 12-hour position, but I've made it quite clear to them that they're going to take away my second police officer that I want to fill that. So I'm hoping that when the six-month period expires that we'll have --

MR. HAAS: Just so you know, I've had a conversation with David Kale and told him that it

is a temporary assignment and that we see the utility in having a second officer, and in consideration for giving up the part-time position that it might make more sense to have two officers that can do that kind of enforcement activity, not just for the matter of getting the processing done, but also I think in taking a more aggressive stand in terms of issuing fines and penalties when it's appropriate.

MR. SCALI: I would wholeheartedly agree with you and I'd be willing to give up that 12-hour position as long as they let us keep Officer Arcos. He's doing a really wonderful job, I have to tell you. He's right on top of things.

MR. HAAS: You just have to make it exciting for him; that's what it's telling you.

MR. SCALI: Make it exciting for him?

MR. HAAS: Yes.

MR. SCALI: I can do that any time.

MR. HAAS: I think between the stings, and if there's opportunities for him to do some kind of investigative work.

MS. LINT: He is doing some. The detective sent over four separate cases involving drivers. There's some weird things going on.

MR. HAAS: My inclination at this point in time if you do get that additional resource is that when it clearly falls within the realm of the Commission that we would expect those officers to take up those investigations as opposed to just -- you know, unless it's something overly complicated like the one with the readers. I mean, obviously that belongs with our investigators, but these other situations, I would like them to take on those responsibilities.

MS. LINT: And I know he would like to.

MR. HAAS: I think both of them would do well at that.

MS. LINT: It just seems like things have been busier having the two of them.

MR. HAAS: You can generate a lot of work.

MS. LINT: I think they are. There's

not a lot of downtime.

MR. SCALI: We have changed over the schedule where they -- well, some days they're both here together but basically, they're doing opposite schedules now so I think that has worked out better.

That's it for my long spiel updates. I was just feeling frustrated by that and wanted to make sure you all had that information because I just know that it's going to explode at some point.

MS. LINT: And you're going to let me be chairing it when it explodes.

MR. SCALI: I guess I'm happy to continue. I guess I just need to feel like I'm not somehow doing something I shouldn't be doing by chairing the meeting. I've been doing it for the past 20 years. But a presentation to all of you includes my vote as well, so perhaps I have to step back at that point in voting. I don't know.

MS. LINT: I'm tough. I can handle it.

MR. HAAS: It gives you some distance

so if you're in a hearing capacity that you have been intimately involved in it, you can step back away from it and have a better appreciation as to what seems to be the most fair and equitable decision to make. But I think also between the Deputy Chief and I, I think you've got a clear indication that I think we're both supportive of the fact that we do want to see the Commission moving forward with the availability of credit cards in taxicabs.

MR. TURNER: You have not had the pleasure of sitting before the taxi hearing.

MR. HAAS: I sat in one hearing in the background.

MR. SCALI: It's a raucous group, a very raucous group.

MR. TURNER: Although you've kept them tame.

MR. SCALI: I have to say the last couple of meetings have been trying, to say the least. Mrs. Lint has avoided the last several meetings.

MS. LINT: I was at Harvard yesterday.

MR. HAAS: I think they've got something at stake now. They want a rate increase.

MR. SCALI: Our discussion is completed so motion to adjourn.

MR. HAAS: Motion.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

(Whereupon, the proceeding was concluded at 11:25 a.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional
Court Reporter, the undersigned Notary Public
certify that:

I am not related to any of the
parties in this matter by blood or marriage and
that I am in no way interested in the outcome
of these matters.

I further certify that the
proceedings hereinbefore set forth is a true
and accurate transcription of my record to the
best of my knowledge, skill and ability.

In Witness Whereof, I have
hereunto set my hand this 9th day of March,
2009.

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